

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA C. LOBBEN,

Defendant.

CASE NO. CR14-5396BHS

ORDER

This matter comes before the Court on the parties Stipulated Motion to Continue the Trial Date and Motion Response Date. The Court, having considered the stipulated motion, the affidavit of defense counsel in support of the motion and the Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

1. Defense counsel requires additional time to review discovery and prepare motions, including preparation for a possible *Franks* Hearing. Additional time is also needed to review the criminal records of the informant and to interview witnesses.

2. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

1 3. Taking into account the exercise of due diligence, a continuance is necessary to allow
2 the defendant the reasonable time for effective preparation his defense, to explore resolution of
3 this case before trial and to ensure continuity of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

4 4. Proceeding to trial absent adequate time for the defense to prepare would result in a
5 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

6 5. The ends of justice served by granting this continuance outweigh the best interests of
7 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

8 6. Defendant waived speedy trial through April 30, 2015.

9 NOW, THEREFORE, IT IS HEREBY ORDERED

10 That the trial date is continued from January 6, 2015, to March 24, 2015, at 9:00 a.m.;
11 Pretrial Conference is set for March 16, 2015, at 9:00 a.m.; pretrial motions are due by February
12 19, 2015. The resulting period of delay from December 12, 2014, to March 24, 2015, is hereby
excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

13 Dated this 18th day of December, 2014.

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17 BENJAMIN H. SETTLE
18 United States District Judge
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